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CORPORATION and KAISER ALUMINUM &
CHEMICAL CORPORATION

E-FILED - 8/19/09

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

WHEREAS, plaintiff Moss Landing Commercial Park ("MLCP") has filed and served its First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser Aluminum & Chemical Corporation (collectively, the "Kaiser Defendants"), and the Kaiser Defendants have answered such Complaint;

WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware Bankruptcy Court requiring MLCP to dismiss its Complaint;

WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the order of the Delaware Bankruptcy Court;

1 WHEREAS, MLCP has appealed the Delaware District Court's order to the Third Circuit
2 Court of Appeals;

3 WHEREAS, the parties have completed briefing the appeal to the Third Circuit and are
4 awaiting a decision; and

5 WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

6 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and
7 respectfully request that the Court enter an order as follows:

8 1. The Case Management Conference currently scheduled for August 21, 2009, shall
9 be continued to November 20, 2009 at 10:30 a.m. in Courtroom 6.

10 2. Not later than November 13, 2009, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: August 12, 2009

BOHNEN, ROSENTHAL & DUSENBURY

13 By: /s/ Robert E. Rosenthal
14 ROBERT E. ROSENTHAL
15 Attorneys for Plaintiff MOSS LANDING
16 COMMERCIAL PARK LLC

17 Dated: August 12, 2009

JONES DAY

18 By: /s/ Thomas M. Donnelly
19 THOMAS M. DONNELLY
20 Attorneys for Defendants KAISER
21 ALUMINUM CORPORATION and
22 KAISER ALUMINUM & CHEMICAL
23 CORPORATION

24 **IT IS SO ORDERED.**

25 Dated: August 19, 2009

26 
27 The Honorable Ronald M. Whyte
28 United States District Court Judge